

03599.017390

PATENT APPLICATION

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: Examiner: Eric B. Fuller  
ATSUSHI YASUNO )  
: Group Art Unit: 1762  
Application No.: 10/609,470 )  
: Filed: July 1, 2003 )  
: For: DEPOSITED-FILM )  
FORMATION PROCESS AND :  
FORMATION SYSTEM ) April 26, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRCITION REQUIREMENT

Sir:

In the outstanding Office Action, the Examiner has required restriction  
between:

Group I, claims 1-14, drawn to a method; or

Group II, claims 15-25, drawn to an apparatus

The Examiner has given as the ground for justifying restriction that the  
apparatus may be used in an etching process. The grounds for restriction are respectfully  
traversed.

In comparing independent process claim 1 with independent apparatus claim 15, it will be seen that all the elements recited in the apparatus claim are found in the process claim. Claim 1 is merely the process for conducting deposited film-formation using the apparatus of claim 15.

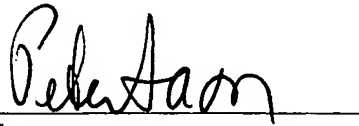
The last step of the process claim 1 include switching from first and second steps at a stated timing. This is another way of saying that the switching is conducted from the first to the second step on the basis of a value detected by a means for detecting a stated film-forming parameter, as set forth in claim 15. The Examiner's attention is directed to specification page 14 and page 17, lines 3-19 in which it is disclosed that these features are the same. Accordingly, it is submitted that claim 15 is a linking claim which is akin to a claim to means for practicing the process steps of claim 1 and which links related apparatus and process claims.

For the purpose of this restriction requirement, Applicants provisionally elect, with traverse, the claims of Group I, claims 1-14. It is respectfully requested that under M.P.E.P. §§809.03 and 821.04, that once the elected claims are found allowable, then the claims of Group II, directed to the linked apparatus, should be rejoined.

An early and favorable action on the merits is respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Peter Saxon", written over a horizontal line.

Peter Saxon  
Attorney for Applicant  
Registration No. 24,947

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
NY\_565865v1